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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,596	02/11/2002	Peter Alexander Van Elsas	PTT-121(402544US)	5193
7265	7590	07/18/2006	EXAMINER	
MICHAELSON & ASSOCIATES P.O. BOX 8489 RED BANK, NJ 07701			COFFY, EMMANUEL	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/890,596	VAN ELSAS ET AL.
Examiner	Art Unit	
Emmanuel Coffy	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 June 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 5-8 is/are pending in the application.  
 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 5-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                             |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                        | 6) <input type="checkbox"/> Other: _____                                    |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 14, 2006 has been entered.

***Response to Amendment***

2. Claims 1-4 were cancelled. Claims 5-8 directed to a system for "Personal Agent System" are pending. Claim 5 is amended.

***Response to Arguments***

3. Applicant eloquently argues that "inasmuch as these distinguishing recitations are not shown, taught or disclosed by the teachings of the Yates et al application, then this claim is not anticipated by those teachings and hence is patentable, under the provisions of 35 USC § 102(b), there over". It may very well be that Yates is silent as to the newly added recitations, however, there is found no support in the spec for these recitations that the Examiner can ascertain. For example, on page 12, paragraph [0041] it states: "In a further modification of the embodiment, it is possible that the self-learning modules of personal agents within an agent environment exchange learning information in order thus to learn from other personal agents. This may take place, e.g., by having the programs which constitute the agents communicate among themselves". (emphasis added). This seems to be in direct opposition to the language of the claim i.e., ...the personal agents for different ones of the users only communicate with each other through their corresponding ones of the personal service agents... Therefore, unless and until Applicant can positively demonstrate that the amendment is supported by the spec as

required by 35 USC § 112, this application remains rejected as follows.

***Specification***

4. The amendment filed 14 June 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

“A hierarchically-structured ...

wherein, in order to control flow of user information amongst all the personal agents, the personal agents for different ones of the users only communicate with each other through their corresponding ones of the personal service agents, and the personal service agents associated with all of the personal agents only communicate amongst themselves through the coordinating sub-system”.

Applicant is required to cancel the new matter in the reply to this Office Action.

Furthermore, the following language finds no support in the spec.

“a coordinating sub-system comprising at least one coordination processor for mutual coordination of actions of said personal service agents for different ones of the users”;

The Examiner asserts that the above recitations find no support in the spec. If however, applicant believes these recitations are described in the spec to point out where the support is to be found. Moreover, the drawings are silent when it comes to the above limitations.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103(a) that forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-8 directed to a system are rejected under 35 USC §103(a) as being obvious over Yates, Martin John et al. (WO 96/25012) in view of Sycara K et al. (International Journal of Intelligent And Cooperative Information Systems, vol. 5, no. 2/03, June 1996 (1996-06) pages 181-211 211, XP002099255 ISSN: 0218-2157) teaches "Coordination of multiple intelligent software agents."

Yates substantially teaches the invention including a service provision system for use in providing information services over one or more communication networks, has a software infrastructure divided into domains (101, 103, 104, 106.) Each domain has an intelligent software agent (102, 107, 109, 110) and this community of agents sits in a computing environment represented in each domain by a DPE kernel (105). (See abstract).

Claim 5:

Yates substantially teaches a personal agent system within a computer system, the personal agent system comprising: (See Fig. 1-4 and Fig. 10.)

a personal agent sub-system having a plurality of personal agents, each one of said personal agents being arranged to perform tasks for only one single user; (See p.2 , line 12-18; p. 38, line 14-p. 42, line 29.)("AA Specialisations" and "End –User Agent 202"). This agent anticipates the claimed personal agent since it is told that the end-user agent is "the agent employed when the user has submitted identifiers" (p 38, line 25), and hence each end-user agent is arranged to communicate with one single user. (See p. 22, line 17.)

at least one service agent sub-system comprising a plurality of personal service agents, each of said personal service agents being arranged for carrying out a specific sub-task for one of said personal agents; and (See Fig.10 and Fig. 11 and p. 29, line 14-29)

a coordinating sub-system, comprising at least coordination processor for mutual coordination of actions of said personal service agents for different ones of the users. (See

Fig.4; p. 9, lines 11-15; p. 26, line 26- p.27, line10 and p. 32, line 26-p. 33, line 15.)

Yates is silent as to:

"wherein, in order to control flow of user information amongst all the personal agents, the personal agents for different ones of the users only communicate with each other through their corresponding ones of the personal service agents, and the personal service agents associated with all of the personal agents only communicate amongst themselves through the coordinating sub-system".

However, Sycara does. See pp. 5-11. (In Fig. 1 on page 6, Sycara teaches collaborative InfoAgent 2 which plays the role of the coordination subsystem of the present invention) Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent system disclosed by Yates with the coordination of multiple intelligent software agents system taught by Sycara, because this would alleviate the problem of locating information sources, accessing, filtering, and integrating information in support of decision making, as well as coordinating information retrieval and problem solving efforts of information sources and decision-making systems.

Claim 6:

Yates substantially teaches the personal agent system according to claim 5, further comprising a central control unit having addresses of said personal agents, said personal service agents and the coordination processor and arranged for connecting each one of the users to his own corresponding one of the personal agents. (See p. 32, line 26-p. 33, line 15, p. 50, line 18-29)(by tailoring the AA Specialization from an initial AA to an End-User AA the co-ordinator implicitly has addresses of the personal agents.)

Claim 7:

Yates substantially teaches the personal agent system according to claim 5, wherein

Art Unit: 2157

said one personal agent comprises means for adjusting the personal agent to the behavior of the associated user. (See p. 38, line 29-30)(this personal agent comprises means for adjusting itself to the “behaviour of the user” via profile information)

Claim 8:

Yates substantially teaches the personal agent system according to claim 5 wherein said one personal service agent comprises means for adjusting said one personal service agent to the behavior of said one user. (See p. 3, line 28 to p. 4, line 13 and p. 43, line 1-20)(The sales agent 207 anticipates the claimed personal service agent and is further configurable via a profile. See pp 41-42)

## CONCLUSION

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy, Esq.  
Patent Examiner  
Art Unit 2157

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EC  
July 5, 2006



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